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DAVID UNDERWOOD, PH.D., NANDAN BHATT, M.D. and
CYNTHIA HIRBOUR-REVELES, PH.D.

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

BALJIT KAUR, et al.,

Plaintiffs,

vs.

ED ALAMEIDA, JR., et al.,

Defendants.

CASE NO: 1:05-CV-00276-OWW-DLB

**STIPULATION REGARDING
UNDERWOOD MOTION FOR SUMMARY
JUDGMENT AND ORDER**

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1 Counsel for the plaintiffs and counsel for defendant UNDERWOOD hereby
2 stipulate on behalf of their respective clients that the Motion for Summary Judgment
3 filed by defendant UNDERWOOD can be decided on the merits based on the Third
4 Amended Complaint. The parties do not wish to incur the time and expense of re-filing
5 the moving and opposing papers because the allegations against DR. UNDERWOOD
6 in the Third and Fourth Amended Complaint are the same.

7 Counsel for plaintiffs and counsel for defendant UNDERWOOD, therefore,
8 request the hearing on DR. UNDERWOOD'S motion for summary judgment remain on
9 calendar as scheduled for October 22, 2007.

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11 Dated: October 9, 2007

/s/ CATHERINE CAMPBELL
CATHERINE CAMPBELL, CSB 65103
Attorney for plaintiffs

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14 Dated: October 9, 2007

/s/ KATHLEEN J. WILLIAMS
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18 IT IS SO ORDERED.

19 Dated: October 9, 2007

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE